

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

CERTIFIED TRUE COPY

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 9-25-96 *cm*

By: Joyce Brown
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION :	
OR REVOCATION OF THE LICENSE OF :	Administrative Action
ROBERT ^L CARTER, D.D.S. :	CONSENT ORDER
TO PRACTICE DENTISTRY IN THE :	
STATE OF NEW JERSEY :	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the filing of an Administrative Complaint seeking the suspension or revocation of license of Robert Carter, D.D.S., to practice dentistry in the State of New Jersey. The complaint alleged among other things that during the period commencing in 1990 through 1993, Dr. Carter had been guilty of violations of the Dental Practice Act in his treatment of pediatric patients who had been provided certain dosages of sedative agents prior to dental treatment, specifically alleging that his actions constituted repeated acts of negligence, malpractice or incompetence within the meaning of N.J.S.A. 45:1-21(d) and or gross negligence, gross malpractice or gross incompetence within the meaning of N.J.S.A. 45:1-21(e); and that he violated N.J.A.C. 13:30-8.8(a) in violation of N.J.S.A. 45:1-21(h) in failing to report to the Board

an incident occurring in his dental office which required the removal of a patient to a hospital for observation or treatment; and violated N.J.A.C. 13:30-8.7(a)(7) in violation of N.J.S.A. 45:1-21(h) by failing to prepare and maintain accurate patient records which include the date and a description of any medications prescribed including the dosage or a copy of the written prescription; and that his actions demonstrated a pattern of dishonesty, fraud, deception or misrepresentation pursuant to N.J.S.A. 45:1-21(b) in that there were consistent discrepancies between the dosages of the sedative agents indicated in the patient record and on the actual prescriptions for the patients identified in the complaint. The matter was transferred to the Office of Administrative Law and hearings set down for dates in September 1996.

Patricia Bowen Atkins, Esq., appearing as counsel for Dr. Carter, and the parties wishing to resolve this matter without the necessity for further proceedings, and the Board of Dentistry being satisfied that this Consent Order is adequately protective of the public health and welfare,

IT IS ON THIS 25th DAY OF SEPTEMBER 1996,

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice dentistry in the State of New Jersey shall be and hereby is suspended for a period of one year and shall commence twenty (20) days from the entry date of this Order. Sixty (60) days shall be active suspension and the remaining period of suspension shall be stayed and shall constitute a probationary period so long as respondent complies with all the terms of the within Order. On the effective date of the active suspension, respondent shall submit his dentistry license, CDS and DEA registrations to the Board of Dentistry at 124 Halsey Street, Newark,

New Jersey 07101 or surrender such credentials to the Board's designee. The respondent shall derive no financial remuneration directly or indirectly related to patient fees paid for dental services rendered during the period of active suspension by other licensees for patients of respondent's practice.

Upon receipt of verbal or written information that respondent has failed in any manner whatsoever to comply with the within terms and conditions, the Board may activate the stayed suspension on short notice to the respondent (no less than ten (10) days), and after affording the respondent the opportunity to contest such activation in a hearing before the Board, at a time and place to be set by the Board.

2. Respondent shall cease and desist from the use of any sedative or any procedure that requires sedation for patients in his dental practice until such time as he successfully completes a 100 hour program in dental sedation in a course approved by the Board prior to respondent taking such course. The subject matter of the course shall include the following areas of denial sedation:

1. Pharmacology of sedatives, narcotics, barbiturates and other drugs used to cause and reverse sedation;
2. Airway management and basic life support techniques;
3. Management of anesthesia related medical emergencies;
4. Evaluation of the patient pre-anesthesia;
5. Monitoring of sedated patient;
6. Out-patient general anesthesia (managing the unconscious patient).

The course shall include didactic and clinical course work. Respondent shall be required to complete the attached Proof of Attendance form as proof of successful completion of the required

course work. The attached form is made a part of the within Order. The continuing education ordered herein shall be in addition to, and not a part of the mandatory continuing education required for licensees.

3. Respondent is hereby reprimanded by the Board for failing to report the incident of November 24, 1992 requiring the removal of a patient from his dental office to a hospital and for failing to prepare and maintain patient records in accordance with the provisions of N.J.A.C. 13:34-8.7(a)(7).

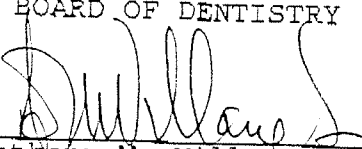
4. Respondent shall pay the costs in the amount of _____ to the State in this matter. An Affidavit of Costs including a statement of the total costs shall be submitted by Agnes Clarke, Executive Director of the Board, to respondent on or before September 24, 1996. Upon receipt of the Affidavit of Costs, respondent shall submit a certified check or money order to the Board in full payment of the costs within ten (10) days of his receipt of such statement. Respondent understands that at the time of the filing of the complaint, the costs of this matter were approximately \$18,000. The Board has incurred additional costs since the filing of the complaint and such additional costs will be included in the Affidavit of Costs to be submitted to respondent on or before September 24, 1996. Respondent agrees to the payment of such costs without further recourse to litigation. In the event that respondent wishes to pay the costs in monthly installments, upon receipt of the Affidavit of Costs respondent may apply to the Board to pay the costs in monthly installments.

5. Respondent shall have the opportunity to appear before the Board with counsel on September 25, 1996 at 9:00 a.m. for the sole purpose of addressing the Board in mitigation of the disciplinary

sanctions set forth above. Respondent, however, agrees to be bound to the terms set forth in this Consent Order in the event the Board does not reduce the period of suspension or modify any provision of the within Order after hearing respondent's arguments. Respondent will be allowed one hour for the mitigation hearing. On or before September 18, 1996, respondent shall provide to the Board the name and title of all witnesses who will appear at the mitigation hearing. All witnesses presented will testify under oath and will be subject to cross examination by the Board members or the Deputy Attorney General assigned to this case. The Attorney General shall have the opportunity to present its position with regard to the proposed terms of the Consent Order.

STATE BOARD OF DENTISTRY

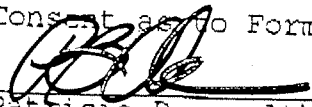
By:


Anthony M. Villane, D.D.S.
President

I have read and understand
the within Order and agree
to be bound by its terms.
Consent is hereby given to
the Board to enter this Order.


Robert Carter, D.D.S.

Consent as to Form and Entry


Patricia Bowen Atkins, Esq.
Counsel to Dr. Carter

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

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3. Respondent is hereby reprimanded by the Board for failing to report the incident of November 24, 1992 requiring the removal of a patient from his dental office to a hospital and for failing to prepare and maintain patient records in accordance with the provisions of N.J.A.C. 13:34-8.7(a)(7).

4. Respondent shall pay the costs in the amount of ____ to the State in this matter. An Affidavit of Costs including a statement of the total costs shall be submitted by Agnes Clarke, Executive Director of the Board, to respondent on or before September 24, 1996. Upon receipt of the Affidavit of Costs, respondent shall submit a certified check or money order to the Board in full payment of the costs within ten (10) days of his receipt of such statement. Respondent understands that at the time of the filing of the complaint, the costs of this matter were approximately \$18,000. The Board has incurred additional costs since the filing of the complaint and such additional costs will be included in the Affidavit of Costs to be submitted to respondent on or before September 24, 1996. Respondent agrees to the payment of such costs without further recourse to litigation. In the event that respondent wishes to pay the costs in monthly installments, upon receipt of the Affidavit of Costs respondent may apply to the Board to pay the costs in monthly installments.

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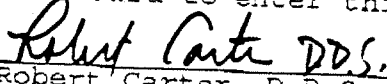
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STATE BOARD OF DENTISTRY


By: 

Anthony M. Villane, D.D.S.
President

I have read and understand
the within Order and agree
to be bound by its terms.
Consent is hereby given to
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Robert Carter, D.D.S.

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Counsel to Dr. Carter